

FILED

1 KAZEROUNI LAW GROUP, APC

2 S. Mohammad Kazerouni, Esq. (SBN: 252835)

3 mike@kazlg.com

4 Abbas Kazerounian, Esq. (SBN: 249203)

5 ak@kazlg.com

6 Matthew M. Loker, Esq. (SBN: 279939)

7 ml@kazlg.com

8 245 Fischer Avenue, Unit D1

9 Costa Mesa, CA 92626

10 Telephone: (800) 400-6808

11 Facsimile: (800) 520-5523

12 2013 OCT 23 PM 3:06

13 CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

14 BY _____

15 HYDE & SWIGART

16 Joshua B. Swigart, Esq. (SBN: 225557)

17 josh@westcoastlitigation.com

18 2221 Camino Del Rio South, Suite 101

19 San Diego, CA 92108

20 Telephone: (619) 233-7770

21 Facsimile: (619) 297-1022

22 *Attorneys for Plaintiff,*

23 David Vaccaro

24 UNITED STATES DISTRICT COURT
25 CENTRAL DISTRICT OF CALIFORNIA

26 DAVID VACCARO,

27 Plaintiff,

28 v.

PRINCE-PARKER &
ASSOCIATES, INC.,

Defendant.

Case No.: CV13 - 07835 FMO (CWx)

COMPLAINT FOR DAMAGES FOR
VIOLATIONS OF:

I. THE FAIR DEBT
COLLECTION
PRACTICES ACT, 15 U.S.C.
§ 1692, ET SEQ.; AND,

II. THE ROSENTHAL FAIR
DEBT COLLECTON
PRACTICES ACT, CAL.
CIV. CODE § 1788, ET SEQ.

JURY TRIAL DEMANDED

27 ///

28 ///

INTRODUCTION

1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq., to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.
2. The California legislature has determined that the banking and credit system and grantors of credit to consumers are dependent upon the collection of just and owing debts and that unfair or deceptive collection practices undermine the public confidence that is essential to the continued functioning of the banking and credit system and sound extensions of credit to consumers. The Legislature has further determined that there is a need to ensure that debt collectors exercise this responsibility with fairness, honesty, and due regard for the debtor's rights and that debt collectors must be prohibited from engaging in unfair or deceptive acts or practices.¹
3. DAVID VACCARO ("Plaintiff"), by Plaintiff's attorneys, brings this action to challenge the actions of PRINCE-PARKER & ASSOCIATES, INC. ("Defendant") with regard to attempts by Defendant, debt collectors, to unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this conduct caused Plaintiff damages.

111

11

¹ Cal. Civ. Code §§ 1788.1 (a)-(b)

- 1 4. Plaintiff makes these allegations on information and belief, with the exception
- 2 of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which
- 3 Plaintiff alleges on personal knowledge.
- 4 5. While many violations are described below with specificity, this Complaint
- 5 alleges violations of the statute cited in its entirety.
- 6 6. Unless otherwise stated, all the conduct engaged in by Defendant took place
- 7 in California.
- 8 7. Any violations by Defendant were knowing, willful, and intentional, and
- 9 Defendant did not maintain procedures reasonably adapted to avoid any such
- 10 violation.
- 11 8. Unless otherwise indicated, the use of Defendant's name in this Complaint
- 12 includes all agents, employees, officers, members, directors, heirs, successors,
- 13 assigns, principals, trustees, sureties, subrogees, representatives, and insurers
- 14 of Defendant's named.

JURISDICTION AND VENUE

16 9. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331 and 15 U.S.C. §
17 1692(k) and 28 U.S.C. § 1337 for supplemental state claims.

18 10. This action arises out of Defendant's violations of: (i) the Fair Debt Collection
19 Practices Act, 15 U.S.C. §§ 1692-1692(p) ("FDCPA"); and, (ii) the Rosenthal
20 Fair Debt Collection Practices Act, Cal. Civ. Code ¶ 1788, et seq.
21 ("RFDCPA").

22 11. Because Defendant conducts business within the State of California, personal
23 jurisdiction is established.

24 12. Venue is proper in the Central District of California pursuant to 28 U.S.C. §
25 1391 because Plaintiff resides within the Central District and the conduct
26 complained of herein occurred within this district.

27 //

PARTIES

13. Plaintiff is a natural person who resides in the County of Los Angeles, State of California, from whom a debt collector sought to collect a consumer debt which was due and owing or alleged to be due and owing from Plaintiff. In addition, Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
14. Plaintiff is informed and believes, and thereon alleges, that Defendant is a company operating from the State of North Carolina.
15. Plaintiff is informed and believes, and thereon alleges, that Defendant, in the ordinary course of business, regularly, on behalf of themselves or others, engage in “debt collection” and are therefore “debt collectors” as the terms are defined by 15 U.S.C. § 1692a(6).
16. This case involves money, property or their equivalent, due or owing or alleged to be due or owing from a natural person by reason of a consumer credit transaction. As such, this action arises out of a “debt” as that term is defined by 15 U.S.C. 1692a(5).

-FACTUAL ALLEGATIONS-

18 17. At all times relevant, Plaintiff is an individual residing within the State of
19 California.
20 18. Plaintiff is informed and believes, and thereon alleges, that at all times
21 relevant, Defendant conducted business in the State of California.
22 19. In or about 2009, Plaintiff allegedly incurred financial obligations in the form
23 of Plaintiff's personal cellular telephone usage to the original creditor, AT&T,
24 that were money, property, or their equivalent, which is due or owing, or
25 alleged to be due or owing, from a natural person to another person and were
26 therefore "debt(s)" and a "consumer debt" as the terms are defined by 15
27 U.S.C. § 1692a(6).
28 20. Subsequently, the alleged debt was allegedly assigned, placed, or otherwise

1 transferred, to Defendant for collection.

2 21. From September 2013 through the present, Plaintiff has received multiple
3 telephone calls from Defendant attempting to collect Plaintiff's alleged debt.
4 These telephone calls were "communications" as 15 U.S.C. § 1692a(2).

5 22. On September 10, 2013, Plaintiff requested in writing via fax that Defendant
6 cease and desist further communications with Plaintiff. Thereafter, on
7 September 10, 2013, at 12:18 p.m. and 12:20 p.m. Defendant received
8 Plaintiff's written request to cease and desist further communications with
9 Plaintiff.

10 23. Despite receiving Plaintiff's written request, Defendant initiated multiple
11 telephonic communications per day with Plaintiff between September 13,
12 2013; and, September 17, 2013. Such contact after a cease and desist request
13 was received constitutes a violation of 15 U.S.C. § 1692c(c), which is
14 incorporated into the RFDCPA through Cal. Civ. Code § 1788.17. Thus,
15 Defendant also has violated Cal. Civ. Code § 1788.17.

16 24. Following receipt of these telephonic communications, Plaintiff reminded
17 - Defendant that Plaintiff had issued a cease and desist request to Defendant
18 with regard to Plaintiff's alleged debt. Defendant acknowledged receipt of
19 Plaintiff's cease and desist but informed Plaintiff that Defendant was not
20 bound by such a request and would continue collection efforts.

21 25. Moreover, after acknowledging receipt of Plaintiff's September 10, 2013
22 cease and desist request, Defendant initiated telephonic communications with
23 regard to the alleged debt on September 18, 2013; September 20, 2013;
24 October 3, 2013; October 7, 2013; October 8, 2013; October 11, 2013;
25 October 15, 2013; October 17, 2013; and, October 18, 2013. Again, such
26 contact after a cease and desist request was received constitutes a violation of
27 15 U.S.C. § 1692c(c), which is incorporated into the RFDCPA through Cal.
28 Civ. Code § 1788.17. Thus, Defendant also has violated Cal. Civ. Code §

1 1788.17.

2 26. Through this conduct, Defendant violated 15 U.S.C. § 1692d(5) by engaging
3 in conduct the natural consequence of which is to harass, oppress, or abuse a
4 person in connection with the collection of a debt by causing Plaintiff's
5 telephone to ring continuously with intent to annoy, abuse, or harass any
6 person at the called number. This section is incorporated in the RFDCPA
7 through Cal. Civ. Code § 1788.11(d)-(e); thus, Defendant has also violated
8 Cal. Civ. Code § 1788.11(d)-(e).

9 27. Through this conduct, Defendant violated 15 U.S.C. § 1692e(5) by threatening
10 to take action that cannot legally be taken. This section is incorporated into
11 the RFDCPA through Cal. Civ. Code § 1788.17. Thus, Defendant also has
12 violated Cal. Civ. Code § 1788.17.

13 28. Through this conduct, Defendant violated 15 U.S.C. § 1692e(10) by using
14 false representations and deceptive means to collect Plaintiff's alleged debt.
15 This section is incorporated into the RFDCPA through Cal. Civ. Code §
16 1788.17. Thus, Defendant also has violated Cal. Civ. Code § 1788.17.

17 ~~CAUSES OF ACTION CLAIMED BY PLAINTIFF~~

18 COUNT I

19 **VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT**

20 **15 U.S.C. §§ 1692-1692(p) (FDCPA)**

21 [Against All Defendants]

22 29. Plaintiff incorporates by reference all of the above paragraphs of this
23 Complaint as though fully stated herein.

24 30. The foregoing acts and omissions constitute numerous and multiple violations
25 of the FDCPA.

26 31. As a result of each and every violation of the FDCPA, Plaintiff is entitled to
27 any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages
28 for a knowing or willful violation in the amount up to \$1,000.00 pursuant to

15 U.S.C. § 1692k(a)(2)(A); and reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from each Defendant individually.

COUNT II

VIOULATION OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

Cal. Civ. Code §§ 1788-1788.32 (RFDCPA)

[Against All Defendants]

32. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
33. The foregoing acts and omissions constitute numerous and multiple violations of the RFDCPA.
34. As a result of each and every violation of the RFDCPA, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from each Defendant individually.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant for:

- an award of actual damages, in an amount to be determined at trial, pursuant to Cal. Civ. Code § 1788.30(a), against each named Defendant individually;
- an award of actual damages, in an amount to be determined at trial, pursuant to 15 U.S.C. § 1692k(a)(1), against each named Defendant individually;
- an award of statutory damages of \$1,000.00, pursuant to Cal. Civ. Code § 1788.30(b), against each named Defendant individually;
- an award of statutory damages of \$1,000.00, pursuant to 15 U.S.C. § 1692k(a)(2)(A), against each named Defendant individually;

- an award of costs of litigation and reasonable attorney's fees, pursuant to Cal. Civ. Code § 1788.30(c), against each named Defendant individually.
- an award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3), against each named Defendant individually; and,
- any and all other relief that this Court deems just and proper.

TRIAL BY JURY

35. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: October 21, 2013

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: S. MOHAMMAD KAZEROUNI, ESQ.
ATTORNEY FOR PLAINTIFF

S. Mohammad Kazerouni, Esq. (SBN: 252835)
 KAZEROUNI LAW GROUP, APC
 245 Fischer Avenue, Unit D1
 Costa Mesa, CA 92626
 Telephone: (800) 400-6808 ext. 5
 Facsimile: (800) 520-5523
 mike@kazlg.com

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

DAVID VACCARO	CASE NUMBER
	CV13 - 07835 FMO (CWx)
PLAINTIFF(S)	
v.	
PRINCE-PARKER & ASSOCIATES, INC.	
DEFENDANT(S).	SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, S. Mohammad Kazerouni, Esq., whose address is 245 Fischer Avenue, Unit D1, Costa Mesa, CA 92626. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: OCT 23 2013

By: Mariel E. Pineda

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Fernando M. Olguin and the assigned Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

CV13-07835 FMO (CWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

October 23, 2013

Date

By Maria Barr
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>)		DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>)																																																																																																																													
DAVID VACCARO		PRINCE-PARKER & ASSOCIATES, INC.																																																																																																																													
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.) S. Mohammad Kazerouni, Esq. (SBN 252835) 245 Fischer Ave, Suite D1, Costa Mesa, CA 92626 Tel. 800-400-6808 ext. 3 ; Fax 800-520-5523		(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)																																																																																																																													
II. BASIS OF JURISDICTION (Place an X in one box only.)		III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)																																																																																																																													
<input type="checkbox"/> 1. U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party)	Citizen of This State	<input type="checkbox"/> PTF 1 <input type="checkbox"/> DEF 1 Incorporated or Principal Place of Business in this State																																																																																																																												
<input type="checkbox"/> 2. U.S. Government Defendant	<input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	Citizen of Another State	<input type="checkbox"/> PTF 2 <input type="checkbox"/> DEF 2 Incorporated and Principal Place of Business in Another State																																																																																																																												
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> PTF 3 <input type="checkbox"/> DEF 3 Foreign Nation																																																																																																																												
IV. ORIGIN (Place an X in one box only.)																																																																																																																															
<input checked="" type="checkbox"/> 1. Original Proceeding	<input type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify) <input type="checkbox"/>	<input type="checkbox"/> 6. Multi-District Litigation																																																																																																																										
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		(Check "Yes" only if demanded in complaint.)																																																																																																																													
CLASS ACTION under F.R.Cv.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		MONEY DEMANDED IN COMPLAINT: \$ _____																																																																																																																													
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. § 1692, et seq.; and Cal. Civ. Code § 1788, et seq.																																																																																																																															
VII. NATURE OF SUIT (Place an X in one box only).																																																																																																																															
<table border="1"> <thead> <tr> <th>OTHER STATUTES</th> <th>CONTRACT</th> <th>REAL PROPERTY CONT.</th> <th>IMMIGRATION</th> <th>PRISONER PETITIONS</th> <th>PROPERTY RIGHTS</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> 375 False Claims Act</td> <td><input type="checkbox"/> 110 Insurance</td> <td><input type="checkbox"/> 240 Torts to Land</td> <td><input type="checkbox"/> 462 Naturalization Application</td> <td>Habeas Corpus:</td> <td><input type="checkbox"/> 820 Copyrights</td> </tr> <tr> <td><input type="checkbox"/> 400 State Reapportionment</td> <td><input type="checkbox"/> 120 Marine</td> <td><input type="checkbox"/> 245 Tort Product Liability</td> <td><input type="checkbox"/> 465 Other Immigration Actions</td> <td><input type="checkbox"/> 463 Alien Detainee</td> <td><input type="checkbox"/> 830 Patent</td> </tr> <tr> <td><input type="checkbox"/> 410 Antitrust</td> <td><input type="checkbox"/> 130 Miller Act</td> <td><input type="checkbox"/> 290 All Other Real Property</td> <td>TORTS</td> <td><input type="checkbox"/> 510 Motions to Vacate Sentence</td> <td><input type="checkbox"/> 840 Trademark</td> </tr> <tr> <td><input type="checkbox"/> 430 Banks and Banking</td> <td><input type="checkbox"/> 140 Negotiable Instrument</td> <td>PERSONAL PROPERTY</td> <td>PERSONAL PROPERTY</td> <td><input type="checkbox"/> 530 General</td> <td>SOCIAL SECURITY</td> </tr> <tr> <td><input type="checkbox"/> 450 Commerce/ICC Rates/Etc.</td> <td><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</td> <td><input type="checkbox"/> 310 Airplane</td> <td><input type="checkbox"/> 370 Other Fraud</td> <td><input type="checkbox"/> 535 Death Penalty</td> <td><input type="checkbox"/> 861 HIA (1395ff)</td> </tr> <tr> <td><input type="checkbox"/> 460 Deportation</td> <td><input type="checkbox"/> 151 Medicare Act</td> <td><input type="checkbox"/> 315 Airplane Product Liability</td> <td><input type="checkbox"/> 371 Truth in Lending</td> <td>Other:</td> <td><input type="checkbox"/> 862 Black Lung (923)</td> </tr> <tr> <td><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.</td> <td><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)</td> <td><input type="checkbox"/> 320 Assault, Libel & Slander</td> <td><input type="checkbox"/> 380 Other Personal Property Damage</td> <td><input type="checkbox"/> 540 Mandamus/Other</td> <td><input type="checkbox"/> 863 DIWC/DIWW (405 (g))</td> </tr> <tr> <td><input type="checkbox"/> 480 Consumer Credit</td> <td><input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits</td> <td><input type="checkbox"/> 330 Fed. Employers' Liability</td> <td><input type="checkbox"/> 385 Property Damage Product Liability</td> <td><input type="checkbox"/> 550 Civil Rights</td> <td><input type="checkbox"/> 864 SSID Title XVI</td> </tr> <tr> <td><input type="checkbox"/> 490 Cable/Sat TV</td> <td><input type="checkbox"/> 160 Stockholders' Suits</td> <td><input type="checkbox"/> 340 Marine</td> <td>BANKRUPTCY</td> <td><input type="checkbox"/> 555 Prison Condition</td> <td><input type="checkbox"/> 865 RSI (405 (g))</td> </tr> <tr> <td><input type="checkbox"/> 850 Securities/Commodities/Exchange</td> <td><input type="checkbox"/> 161 Other Contract</td> <td><input type="checkbox"/> 345 Marine Product Liability</td> <td><input type="checkbox"/> 422 Appeal 28 USC 158</td> <td><input type="checkbox"/> 560 Civil Detainee Conditions of Confinement</td> <td>FEDERAL TAX SUITS</td> </tr> <tr> <td><input checked="" type="checkbox"/> 890 Other Statutory Actions</td> <td><input type="checkbox"/> 162 Personal Injury-Med Malpractice</td> <td><input type="checkbox"/> 350 Motor Vehicle</td> <td><input type="checkbox"/> 423 Withdrawal 28 USC 157</td> <td>FORFEITURE/PENALTY</td> <td><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</td> </tr> <tr> <td><input type="checkbox"/> 891 Agricultural Acts</td> <td><input type="checkbox"/> 163 Personal Injury-Product Liability</td> <td><input type="checkbox"/> 355 Motor Vehicle Product Liability</td> <td><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</td> <td><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</td> </tr> <tr> <td><input type="checkbox"/> 893 Environmental Matters</td> <td><input type="checkbox"/> 164 Personal Injury-Injury</td> <td><input type="checkbox"/> 360 Other Personal Injury</td> <td><input type="checkbox"/> 690 Other</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 895 Freedom of Info. Act</td> <td><input type="checkbox"/> 165 Personal Injury-Med Malpractice</td> <td><input type="checkbox"/> 362 Personal Injury-Med Malpractice</td> <td>CIVIL RIGHTS</td> <td></td> </tr> <tr> <td><input type="checkbox"/> 896 Arbitration</td> <td><input type="checkbox"/> 166 Personal Injury-Product Liability</td> <td><input type="checkbox"/> 365 Personal Injury-Product Liability</td> <td><input type="checkbox"/> 440 Other Civil Rights</td> <td>LABOR</td> </tr> <tr> <td>899 Admin. Procedures</td> <td><input type="checkbox"/> 167 Health Care/Pharmaceutical</td> <td><input type="checkbox"/> 367 Health Care/Pharmaceutical</td> <td><input type="checkbox"/> 441 Voting</td> <td><input type="checkbox"/> 710 Fair Labor Standards Act</td> </tr> <tr> <td><input type="checkbox"/> Act/Review of Appeal of Agency Decision</td> <td><input type="checkbox"/> 168 Personal Injury Product Liability</td> <td><input type="checkbox"/> 368 Asbestos</td> <td><input type="checkbox"/> 442 Employment</td> <td><input type="checkbox"/> 720 Labor/Mgmt. Relations</td> </tr> <tr> <td><input type="checkbox"/> 950 Constitutionality of State Statutes</td> <td><input type="checkbox"/> 169 Personal Injury Product Liability</td> <td><input type="checkbox"/> 369 Personal Injury Product Liability</td> <td><input type="checkbox"/> 443 Housing/Accomodations</td> <td><input type="checkbox"/> 740 Railway Labor Act</td> </tr> <tr> <td></td> <td>REAL PROPERTY</td> <td><input type="checkbox"/> 210 Land Condemnation</td> <td><input type="checkbox"/> 445 American with Disabilities-Employment</td> <td><input type="checkbox"/> 751 Family and Medical Leave Act</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> 220 Foreclosure</td> <td><input type="checkbox"/> 446 American with Disabilities-Other</td> <td><input type="checkbox"/> 790 Other Labor Litigation</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> 230 Rent Lease & Ejectment</td> <td><input type="checkbox"/> 448 Education</td> <td><input type="checkbox"/> 791 Employee Ret. Inc. Security Act</td> </tr> </tbody> </table>						OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS	<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY	<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 161 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS	<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 162 Personal Injury-Med Malpractice	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 163 Personal Injury-Product Liability	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 164 Personal Injury-Injury	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 690 Other		<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 165 Personal Injury-Med Malpractice	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	CIVIL RIGHTS		<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 166 Personal Injury-Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 440 Other Civil Rights	LABOR	899 Admin. Procedures	<input type="checkbox"/> 167 Health Care/Pharmaceutical	<input type="checkbox"/> 367 Health Care/Pharmaceutical	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 168 Personal Injury Product Liability	<input type="checkbox"/> 368 Asbestos	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 169 Personal Injury Product Liability	<input type="checkbox"/> 369 Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accomodations	<input type="checkbox"/> 740 Railway Labor Act		REAL PROPERTY	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act			<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation			<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act
OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS																																																																																																																										
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights																																																																																																																										
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent																																																																																																																										
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark																																																																																																																										
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY																																																																																																																										
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)																																																																																																																										
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)																																																																																																																										
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))																																																																																																																										
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI																																																																																																																										
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))																																																																																																																										
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 161 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS																																																																																																																										
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 162 Personal Injury-Med Malpractice	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)																																																																																																																										
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 163 Personal Injury-Product Liability	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																																																																																																																											
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 164 Personal Injury-Injury	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 690 Other																																																																																																																												
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 165 Personal Injury-Med Malpractice	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	CIVIL RIGHTS																																																																																																																												
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 166 Personal Injury-Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 440 Other Civil Rights	LABOR																																																																																																																											
899 Admin. Procedures	<input type="checkbox"/> 167 Health Care/Pharmaceutical	<input type="checkbox"/> 367 Health Care/Pharmaceutical	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act																																																																																																																											
<input type="checkbox"/> Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 168 Personal Injury Product Liability	<input type="checkbox"/> 368 Asbestos	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations																																																																																																																											
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 169 Personal Injury Product Liability	<input type="checkbox"/> 369 Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accomodations	<input type="checkbox"/> 740 Railway Labor Act																																																																																																																											
	REAL PROPERTY	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 751 Family and Medical Leave Act																																																																																																																											
		<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation																																																																																																																											
		<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act																																																																																																																											

FOR OFFICE USE ONLY: Case Number: _____

CV13 - 07835 FMO (CWx)

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:	
	<input type="checkbox"/> Los Angeles	Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:	
	A PLAINTIFF? Then check the box below for the county in which the majority of DEFENDANTS reside.	A DEFENDANT? Then check the box below for the county in which the majority of PLAINTIFFS reside.
<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	Western
<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	Western
<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	Southern
<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Western Division

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? NO YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):** _____



DATE: October 22, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))